Customer No.: 31561
Application No.: 10/064,797
Docket No.: 8248-US-PA

REMARKS

In this second Office Action, Examiner rejected claims 1-3, 7-9 under 35 U.S.C. 103 (a) as being unpatentable over US 2002/0190823 A1(Yap, hereinafter referred to Yap) in view of US 6,016,248 (Anzai et al, hereinafter referred to Anzai). Furthermore, claims 4-6, 10-12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Yap in view of Anzai and further in view of US5,561,282 (Price et al., hereinafter referred to Price). Claims 1-12 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion for Independent Claim Rejections under 35 USC 103 (a)

3. *Claims 1-3, 7-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over US 2002/0190823 A1(Yap, hereinafter referred to Yap) in view of US 6,016,248 (Anzai et al, hereinafter referred to Anzai).*

In response thereto, applicants respectfully transverse the objection based on the following arguments and thus withdrawal of objections to the claims 1-3, 7-9 is respectfully requested. The present invention as claimed is quite different from Examiner's alleged combinations, and possesses novel and patentable features thereover. Detailed explanations are given below.

As mentioned in the previous response, Yap uses a magnetic force to eject a stylus inserted in a handheld device. As shown in Figs. 1, 3 and 4 of Yap, when a button is 18 is pushed and then a switch 38 is closed so that electrical current is applied to coil windings 36, thereby inducing an iron core 35 to generate a magnetic force to repel an inserted pen 20. The pen 20 is provided with a magnetic portion 23 to magnetically interact with the iron core 35.

Different from the teaching of the cited Yap, the stylus retaining and releasing mechanism, as defined in claims 1 and 7 of the present invention, has a stylus-releasing device which can store **a resilient force after the stylus presses on the stylus-releasing device, and can exert a resilience force on the stylus after a pressing action is applied to the inserted stylus** (emphasis added by bold characters)

Yap uses a magnetic force, rather than a resilient force to eject the inserted pen. Furthermore, as the magnetic force is non-contact force, there is no engagement between the pen and the pen-releasing device including the switch 38, the power source 37, the coil windings 36 and the iron core 35. Finally, the cited Yap does not exert a resilience force on the stylus after a pressing action is applied to the inserted pen. Actually, the cited Yap does not exert a pushing force to the pen in order to eject the inserted pen. The pushing force of the cited Yap is exerted to the button 18. Accordingly, the Yap fails to teach, suggest or disclose features claimed in the claims 1 and 7, and a combination thereof with the cited Anzai et al., thus, cannot obtain the claimed subject matter of claims 1 and 7 of the present invention.

Furthermore, for an obviousness rejection, there should be a motive to combine the cited prior art references together to obtain the invention under examination. Without such motive, the obviousness rejection is not sustained.

With regard to Yap, when the switch 38 is not closed, the iron core 35 generates an attractive force on the magnetic portion 23 of the pen 20 so that the pen 20 is held in position in the pen housing 17. The cited Yap does not need a retainer having a protruding claiming member inserted in a retaining slot of the pen, as claimed in the claims 1 and 7 of the present application in order to retain the pen in position. Accordingly, there is no motive for a person skilled in the art to combine the retainer of Anzai, or Moller et al. (5,889,512) into the pen-releasing device of Yap to obtain the claimed subject matter of claims 1 and 7 of the present application. Therefore, claims 1 and 7 are not obvious over the cited prior art references.

Moreover, the flexible lever 63 of Anzai is not a retainer as defined by the present application. As clearly shown in FIG. 13C of Anzai, there is no slot in the pen 50 for flexible lever 63 to be inserted in, whereby the pen 50 can not be retained in position. In contrary, the flexible lever 63 is resiliently deviated to push against the pen 50 in order to remove the pen 50 from the holder 61. In addition, in col., 7, lines 18-20 in Anzai, there discloses "Fig.13C, the level 63 is bent in the direction indicated by the arrow B, i.e. toward outside, and contacts the pen 50 and push it outward." Further, from Figs. 12, 13B, 13C and col., 7, lines 10-18, in Anzai, Anzai allows users to move a slide knob 62 downward to make the level 63 slides along the linear slot 62d when releasing the pen 50. Therefore, Anzai does not apply any resilient force to

his pen-releasing device at all. That is Anzai fails to teach, suggest or disclose " the stylus –releasing device can store can store resilient force..... and exert a resilient force on the stylus" as claimed in the claims 1 and 7. As a result, even if the combination of Yap and Anazi could be made, this combination still fails to teach, suggest or disclose" the stylus –releasing device can store can store resilient force..... and exert a resilient force on the stylus" as claimed and featured in the claims 1 and 7.

Regarding claims 2 and 8, since Yap does not show the retainer as defined in claims 1 and 7 of the present invention, it is impossible for Yap to form the retainer of claims 1 and 7 integrally with the pen housing. The retainer of Yap, understanding from the disclosures thereof, should be the iron core 35 and the magnetic portion 23 of the pen 23. From FIGs. 1 and 3 of Yap, the iron core 35 and the magnetic portion 23 cannot be formed with the pen housing 17 in a single body.

Regarding claims 3 and 9, there is no impending member in Yap, which contacts with the stylus to moderate the ejection of the stylus. From the title of Yap, i.e., "**Frictionless** (emphasis added) Pen Ejector Mechanism", it can be readily concluded that Yap does not have the impending member for contacting with the pen in order to moderate the rejection of the pen.

4. *claims 4-6, 10-12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Yap in view of Anzai and further as applied to claims 1-3,7-9 above, and further in view of US5,561,282 (Price et al., hereinafter referred to Price).*

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In response thereto, applicants respectfully transverse the above objections based on the following arguments and reconsideration of withdraw *claims* 4-6, 10-12 is respectfully requested.

Regarding claims 4 and 10, Col. 17, lines 24-35 of Price do not disclose any thing about an impending member with relative high friction.

Regarding claims 5 and 11, Yap does not disclose in paragraphs 0022, 23, page 2 thereof anything about an impending member including foam polymer material. Yap only discloses that the pen body 21 is made of polymer in the relative disclosures.

Regarding claims 6 and 12, from paragraphs [0026] and [0027] in page 2 in Yap, there does not disclose anything about how to attach the pen-releasing device to the pen housing.

Most importantly, since claims 4-6 and 10-12 are dependent claims, no matter those claims are conventional and accordingly should be patenable under 35 U.S.C. 103 (a) as a matter of law for at least the following reason those claims contain all features of their base independent claims 1 and 7, respectively.

In view of the above explanations, the present invention as defined by the pending claims is not obvious over the cited prior art references. The present invention indeed possesses patentable matter over the art, and grant of patent to the present application is respectfully solicited.

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-12 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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